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SECDEF FOR OSD(P)/STRATCAP
NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
DTRA FOR OP-OS OP-OSA AND DIRECTOR
NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 2020/02/26
TAGS: PARM KACT MARR PREL RS US
SUBJECT: SFO-GVA-VIII: (U) ARTICLE VIII MEETING, FEBRUARY, 15, 2010

CLASSIFIED BY: Rose A. Gottemoeller, Assistant Secretary, Department
of State, VCI; REASON: 1.4(B), (D)

¶1.  (U) This is SFO-GVA-VIII-048.


¶2.  (U) Meeting Date:  February 15, 2010

                  Time:  11:00 A.M. - 12:00 A.M.

                 Place:  U.S. Mission, Geneva



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SUMMARY

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¶3.  (S) Amb Ries led a meeting with the Russian side to discuss
joint draft text (JDT) on Treaty Article VIII regarding the initial
release of data and public release of the data.  Gen Poznikhir
commented that the Russian side worked over the weekend with their
lawyers and had some changes to the previously agreed and conformed
first paragraphs of Article VIII that established the database and
the requirement to update the data through notifications.  The
discussion lasted the entire time allotted, without much progress
on the issue of public release of data.  End summary.


¶4.  (S) Subject summary:  Basic Russian Position; and New Tactic -
Propose Changes to Previously-Conformed Text.
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Basic Russian Position

¶5. (S) Poznikhir reviewed where the sides were on paragraph 5, namely that the United States proposed to initially exchange data on all the categories of data whereas the Russian side, as previously explained, believed this was unacceptable. Poznikhir continued that the Russian side agreed to an initial exchange of data including only aggregate numbers. He further noted that this differed from the concept in paragraph 6 in which the exchange of data involved data obtained during the implementation of the Treaty. Poznikhir stated, in reference to paragraph 8, that the issue of releasing data to the public was spread throughout the Treaty Article. He emphasized the word "opublikovat," which the Russians preferred, meant to "publish" the data as opposed to "release it to the public."

¶6. (S) Mr. Lobach offered further clarification on the use of Russian terms related to "publish" and "release to the public." Lobach stated the term "opublikovat" referred exclusively to publishing data in print form which was different from a public

announcement, radio broadcast or internet posting. In contrast, the term "oglasit" means literally to reveal. Ries queried whether "oglasit" had a broader meaning to which Lobach answered in the affirmative. Ries further asked whether it was acceptable if the Russian side used its term for "disclose" to represent its concept and the U.S. side used "release to the public" in English. Lobach answered in the affirmative.

New Tactic - Propose Changes to

Previously-Conformed Text

¶7. (S) After a brief exchange on what language was used in START, Poznikhir proposed several changes to paragraphs 1 and 2 in Article VIII. (Begin comment: Article VIII had been agreed and conformed with no brackets since mid-November 2009. End comment.) Poznikhir began a dialogue on paragraph 1 which centered on the use of the phrase "categories of data" in lieu of "database."   Lobach, Gen Orlov, and Mr. Dean joined the dialogue, eventually reaching an understanding of the Russian side's point. Ries summarized the Russian concern that, at the time of Treaty signature, Part Two of the Protocol would not be filled with numerical data and, thus, it could not be characterized as a "database." The Russian side believed that it should be referred to as simply "categories of data." Ries noted that the United States would take the proposal for review.

¶8. (S) On paragraph 2, Lobach recommended deleting the phrase "in order to ensure the fulfillment of its obligations with respect to this Treaty" since all the activities of a Party under the Treaty were to "fulfill the obligations" of the Treaty. Lobach asserted that every paragraph in the Treaty could have the same phrase. He agreed with Dean that the paragraph was not technically incorrect; however, he pointed out a slightly revised version of the paragraph as included in the Russian paper provided to the U.S. side. Ries stressed reluctance to reopen parts of the Treaty that were

completely finished; however, she said she would take the proposal for review.

¶9. (S) Lobach again averred that there remained a basic problem with Part Two of the Protocol and Treaty Article VIII. The issue stemmed from use of the term "database." Lobach asked whether, in the U.S. view, "database" was the same as the term "initial database" used in the START Treaty. Dean replied that the sides were free to characterize parts of the Treaty in any manner so long as it was done clearly and consistently throughout the Treaty. Ries further clarified that the initial exchange of data was narrower than the term "database." She maintained that the entire concept was a process; the initial exchange would be the beginning point. Forty-five days after entry-into-force that data would be updated and every 6 months thereafter the data would again be updated for the remainder of the Treaty's life. Poznikhir referred to the agreement reached by the sides to have categories of data

but no numbers at Treaty signature. Ries stated that she was perplexed by the Russian desire to refer to categories of data since the central feature of the Article was the establishment of the database, but was willing to look at the Russian proposal.

¶10. (S) Orlov claimed that both sides had agreed on this topic for some time. He further stated that both sides had the same fundamental approach and the question here was of a technical aspect. Orlov emphasized that the Russian side wanted to ensure it was possible for the layman to understand the Treaty and used an analogy of Napoleon having an order reviewed by a line soldier to make sure it was understandable to someone who would have to implement it.

¶11. (S) Poznikhir rounded out the discussion by proposing a final change to paragraph 5. He suggested replacing the phrase "contained in" to "provided for" since Part Two of the Protocol would not contain geographic coordinates and for internal consistency within Article VIII.

¶12. (U) Documents provided:

- United States:

    -- U.S. Official Translation of Russian-Proposed JDT on Article VIII dated February 9, 2010

- Russia:

    -- Russian Paper on Article VIII, February 15, 2010

¶13. (U) Participants.

UNITED STATES

Amb Ries

Lt Col Comeau (RO)

Mr. Dean

LT Lobner

Mrs. Zdravecky

Ms. Gross (Int)

RUSSIA

Ambassador Antonov

Gen Orlov

Gen Poznikhir

Gen Venevtsev

Mr. Koshelev

Mr. Lobach

Ms. Komshilova (Int)

¶14. (U) Gottemoeller sends.
KING